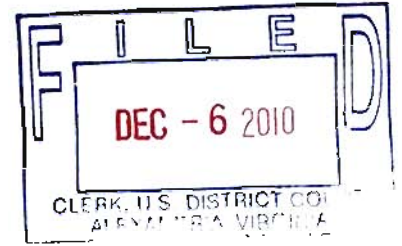


IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division



BOARD OF TRUSTEES, SHEET  
METAL WORKERS' NATIONAL  
PENSION FUND,

Plaintiff,

v.

SHOREWAY REFRIGERATION &  
HEAT, INC.,

Defendant.

1:09cv1255 (LMB/TRJ)

ORDER

On September 14, 2010, a magistrate judge issued a Report and Recommendation ("Report"), in which he recommended that a default judgment in the amount of \$39,547.78<sup>1</sup>, be awarded to plaintiff. The parties were advised that any objections to the Report had to be filed within ten<sup>2</sup> days of receipt of the Report and that failure to file timely objections waived appellate review of any judgment based on the Report. As of December 2, 2010, no objections have been filed.

Having fully reviewed the Report, case file, and plaintiff's

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<sup>1</sup> Although plaintiff requested attorney's fees and costs in the amount of \$16,095.27, the Report recommended \$16,300.47 in attorney's fees and costs, which is \$205.20 more than plaintiff requested. The Court will use the plaintiff's requested amount thereby reducing the total amount of the judgment awarded to plaintiffs to \$39,342.58, which is consistent with the record.

<sup>2</sup> The correct number of days in which to file objections is 14 days; however, the parties have had several months in which to file objections and neither party has filed any objections.

Motion for Default Judgment, with its attachments, we find that the Report accurately states the relevant facts and law.

Therefore, with the exception of the errors noted above, we adopt the findings and conclusions of the Report and for the reasons stated therein, it is hereby

ORDERED that the plaintiff's Motion for Default Judgment be and is GRANTED, and the plaintiff's proposed Order and Judgment by default will be entered.

The Clerk is directed to enter judgment in the plaintiff's favor pursuant to Fed. R. Civ. P. 55 and forward a copy of this Order, along with the Order and Judgment to counsel of record for plaintiff and to the defendant at the address listed in the case file.

Entered this 6<sup>th</sup> day of December, 2010.

/s/ [Signature]  
Leonie M. Brinkema  
United States District Judge

Alexandria, Virginia